IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.6361 OF 1996
WITH
COMPANY APPLICATION NO.282 OF 2006 IN C.P.NO.364 OF 1992
WITH
COMPANY APPLICATION NO.359 OF 2004 IN C.P.NO.364 OF 1992

M/s. Ajit Glass Works Pvt. Ltd. ..Petitioner.
Vs.
Maharashtra General Kamgar Union and
two ors. ..Respondents.

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C.A.No.282/2006

Jaypay Pen Plastics Industries. ..Petitioner.
And
Ashok H. Advani and anr. ..Applicants.
Vs.
The Official Liquidator. ..Respondent.

C.A.No.359/2004

Ashok H. Advani and ors. ..Applicants.
Vs.
The Official Liquidator. ..Respondent.

Mr.A.V.Bukhari for the Petitioner.

Mr.U.J. Makhija with Amin Kherada for the applicant in support of C.A.No.359/2004 & C.A.No.282/2006.

Mr.Ashish Kamat i/by G. D'silva for the applicant in C.A.No.443/2005.

Mr.N.M. Ganguli for the Intervenor-Workers Union.

Ms. K.V. Gautam, Dy. O.L. present.

CORAM : R.S. MOHITE, J.
DATED : 09.11.2006.

P.C.

1. This writ petition has been assigned to me in view

of the administrative directions of the Chief Justice issued on 11.7.2006. It however, appears that on 22.3.2006 this court (V.C. Daga,J.) has passed self operative order under which the Advocate for the petitioner undertakes to intimate pendency of the petition to the Official Liquidator. The order provides that after intimation, Official Liquidator may take necessary steps within two weeks thereafter. On failure on the part of the Official Liquidator to take necessary steps in the matter, the petition shall stand dismissed without reference to the court.

2. It appears that the copy of this order was obtained on 8.4.2006 and thereafter by letter dated 24.4.2006 the order has been intimated to the official Liquidator. This letter was received by the Official Liquidator on 25.4.2006. It appears that the Official Liquidator has not taken any steps in pursuing the writ petition and in the circumstances, it is undisputable that the petition stands dismissed in view of the self operative order dated 22.3.2006. The Official Liquidator however, states that she will take necessary steps on the letter received by her on 25.4.2006. The petitioner will be at liberty to obtain the certified copy of the said order. No further order is required as the petition is already disposed off.

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C.A.No.282 of 2006

1. This application is filed by the Ex-Director of the company for leave under Section 446 of the Companies Act. As the Official Liquidator has agreed to decide as to whether proceeding in Writ Petition 6361 of 1996 should be continued or not, I am not inclined to grant this application made by the Ex-Director. It is pointed out that the application is not maintainable as the Official Liquidator is incharge of the company affairs. In the circumstances, this application is rejected.

C.A.No.359/2004

1. S.O. to 14.12.2006. To be placed alongwith the Official Liquidator’s report dated 4.10.2005. Official Liquidator to supply the copies of the report to the concerned parties.

(R. S. MOHITE, J.)